

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM J. WISE,

Defendant.

Case No. [12-cr-00111-EMC-1](#)

**ORDER GRANTING DEFENDANT'S
REQUEST FOR CERTIFICATE OF
APPEALABILITY**

Docket Nos. 313-314

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM J. WISE,

Defendant.

Case No. [12-cr-00642-EMC-1](#)

Docket Nos. 153-154

Pending before the Court are two requests for relief from Mr. Wise.

First, Mr. Wise asks for leave to file a reply brief in support of his motion for compassionate release. *See* Docket No. 313 (letter). The request is moot because (1) the Court already issued its order denying his motion for compassionate release and (2) in that same order, the Court already rejected his request to file a reply brief. *See* Docket No. 312 (order). To the extent Mr. Wise's letter is a request for reconsideration, it is denied on the merits. Although the Court is not without sympathy for Mr. Wise's medical conditions, it does not find extraordinary and compelling circumstances to support compassionate release. Moreover, the § 3553(a) factors do not support the relief requested.

Second, Mr. Wise asks for a certificate of appealability ("COA") with respect to the Court's denial of his motion to amend to add a new claim for ineffective assistance of counsel.

1 See Docket No. 314 (Mot. at 9, 14) (arguing that counsel, Mr. Wolf, “rendered ineffective
2 assistance by not thoroughly reviewing the plea agreement and informing him that the agreement
3 only bound the U.S. Attorney’s Offices for the Northern District of California and Eastern District
4 of North Carolina, and does not bind any other federal, state or local agency”; “Petitioner was
5 clearly left with the understanding that the government would not oppose his treaty transfer to
6 Canada and relied on that understanding when pleading guilty”). Because reasonable jurists could
7 find the Court’s assessment of the claim debatable or wrong, the Court grants the request for a
8 COA. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

9 This order disposes of Docket Nos. 313 and 314 in CR-12-0111 and Docket Nos. 153 and
10 154 in CR-12-0642.

11
12 **IT IS SO ORDERED.**

13
14 Dated: August 15, 2022

15
16
17
18
19
20
21
22
23
24
25
26
27
28



EDWARD M. CHEN
United States District Judge